

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANTHONY OLIVER,

Plaintiff

v.

HOUSTON ASTROS, LLC; BOSTON RED  
SOX BASEBALL CLUB, L.P.; and DOES 1-  
10, inclusive,

Defendants

Case No.: 2:20-cv-00283-APG-VCF

**Order (1) Denying Motion to Transfer  
Venue and (2) Dismissing Case**

[ECF No. 8]

On March 23, 2020, Magistrate Judge Ferenbach dismissed plaintiff Anthony Oliver's complaint without prejudice, and ordered that Oliver could file an amended complaint by April 22, 2020. ECF No. 6. Oliver has not filed an amended complaint. Instead, he moved to transfer the venue of this case to either Texas or California because he now wants to sue the baseball players who cheated and thereby gave rise to his complaint. ECF No. 8. He believes those defendants cannot be sued here but could be in Texas or California.

Liberally construing Oliver's motion as an objection to Judge Ferenbach's order, I have conducted a de novo review of that order and related papers and reach the same conclusion as Judge Ferenbach. Because Oliver has not filed an amended complaint, dismissal is appropriate. To the extent Oliver's motion could be interpreted as a request for additional time to file an amended complaint, I deny that request because he has not given sufficient reasons to justify the extension and his proposed amendment (adding defendants over whom this court appears to lack jurisdiction) is futile. Even interpreting the motion as a request to transfer venue, there is no pending complaint to transfer and it is unclear whether the named defendants and the newly proposed defendants all could have originally been sued in Texas or California. *See* 28 U.S.C.

1 § 1404(a). Nor is it clear that Texas or California is more convenient for the parties and  
2 witnesses. If Oliver wants to sue the alleged cheaters, he may do so in a new lawsuit filed in the  
3 appropriate jurisdiction.

4 I THEREFORE ORDER that Magistrate Judge Ferenbach's order (ECF No. 6) is  
5 affirmed, Oliver's motion to transfer venue (**ECF No. 8**) is **denied**, this case is dismissed without  
6 prejudice, and the clerk of court is directed to close this case.

7 DATED this 5th day of May, 2020.

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10 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE